

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JANUARY 22, 2015**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Angelo Colasante, Chair; Todd Crowley, Vice Chair; Carol Amick, Clerk; Jeffrey Dearing; Michelle Puntillo; Kay Hamilton; Arthur Smith; Robert Kalantari

ABSENT: None

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and assistant introduced themselves.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #013-15 – CONTINUATION – Michael McSorley, at 236 Carlisle Road, seeks a Special Permit per Section 7.2.3.1 of the Zoning Bylaw to construct addition within the floodplain.

Mr. Colasante explained that the Board had received an email from Mr. McSorley requesting a continuation. He called for a motion to continue the hearing.

MOTION:

Ms. Amick moved to continue Michael McSorley, at 236 Carlisle Road, seeking a Special Permit per Section 7.2.3.1 of the Zoning Bylaw to construct addition within the floodplain to February 26, 2015 at 7:30 PM.

Mr. Crowley seconded the motion.

Voting in favor: Colasante, Crowley, Amick, Dearing, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #015-15 – CONTINUATION – Pamela Brown, Esq., for 4 Highland Avenue, seeks a Variance from Table II: Dimensional Regulations and from Section 14.7 of the Zoning Bylaw to construct addition within front yard setback.

Ms. Brown informed the Board that the applicants would like to continue the hearing, as they were still working out issues with the Conservation Commission.

MOTION:

Ms. Amick moved to continue Pamela Brown, Esq., for 4 Highland Avenue, seeking a Variance from Table II: Dimensional Regulations and from Section 14.7 of the Zoning Bylaw to construct addition within front yard setback to February 12, 2015 at 7:30 PM.

Mr. Crowley seconded the motion.

Voting in favor: Colasante, Crowley, Amick, Dearing, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #016-15 – CONTINUATION – Pamela Brown, Esq., for 120 Great Road, seeks a Special Use Permit per Table I: Use Regulations and per Section 4.5.7 of the Zoning Bylaw to construct new restaurant.

Ms. Brown explained that she had talked in a more informal manner at the last meeting about this proposed restaurant. She said that the Board's purview here was to grant a restaurant use for this parcel, and once that happened she would move forward with getting a full site plan and architectural drawings. She reiterated that she and her brothers had purchased this parcel at 120 Great Road, which was directly adjacent to the Domine Manse, where the Brown & Brown office was located, at 110 Great Road. She said that they sought the Board's approval of the use only for a 5,000 square foot restaurant – sit down with take out – at the site. She stated that their hope was to use the adjacent property at 110 Great Road for shared parking and circulation patterns.

Mr. Dearing said it seemed that the only thing the ZBA needs to do here is give a blessing on the actual restaurant use for this property. Ms. Brown said that was correct. She added that the Planning Board and Historic District Commission (HDC) still had to approve the project as well, so the ZBA was just the starting point.

Ms. Amick stated that she felt there was still a great deal of missing information regarding this restaurant, and she would feel uncomfortable ruling on a Special Permit without knowing more.

There was dialogue about traffic mitigation and driving circulation within the site and exiting onto Great Road.

Ms. Brown said this was a difficult predicament for her, because she was hesitant to spend thousands of dollars on architectural drawings and a detailed site plan without knowing that she is even allowed to build a restaurant there.

Mr. Colasante said he liked the idea of having a new business or restaurant in Town. He said this was a difficult spot, but many lots along Great Road are difficult to navigate in and out of, so he didn't know whether to hold that against this applicant. He reminded the Board members that this project required a Special Permit, so the applicant had to prove that the restaurant was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood. He said that he felt it was in keeping with the Bylaw but he was not sure that the Board had as of yet been given enough information to prove that it was not injurious to the neighborhood.

There was more discussion about parking. Mr. Crowley asked whether the applicants would be forced to combine the lots at 110 and 120 Great Road in order to meet minimum parking standards. Ms. Brown said she believed they could share the parking without having to combine them, but that would be discussed by the Planning Board as well.

Mr. Kalantari asked whether it was true that Café Luigi's would be moving into this space, were it approved. Ms. Brown said she had been working with the Luigi's owners to work out a deal, but nothing had been finalized. Mr. Colasante said it was probably not a good idea at this point to assume this will be any particular restaurant; the Board should just look at general restaurant use.

Mr. Crowley said that he lived quite close to this property, and he supported this use. He said he liked the thought of a restaurant on this parcel.

Ms. Puntillo said that it seemed to her that the town already had several established commercial areas, such as the Blake Block and the Whole Foods Plaza, which in essence flanked this parcel. She said she was concerned about all of Great Road turning into one long commercial strip such as Route 1 in Saugus, and therefore she wasn't necessarily in favor of allowing a restaurant use at this property.

Mr. Colasante opened the hearing to the public.

Margot Fleischman, a resident of 145 Page Road and a Bedford Selectman, said that the Board of Selectmen had not yet taken a position on this restaurant but they did discuss it Monday night. She said their main questions and concerns involved plans for the existing red house on the lot; issues with shared parking on two lots with separate ownership; and the curb cut and pitch of the driveway. She said that the Selectmen look forward to reviewing this in more detail should this go before the Planning Board and Historic District Commission.

There was conversation about the little red house and what would become of it, and whether it would stay a residential home or become part of the business. Ms. Brown said

they had no plans to change it from a residence, but it had not been discussed in much detail.

Amy Lloyd, a member of the Planning Board and a resident of 17 Fayette Road, said that the Planning Board had taken no official position or votes on this matter, but none of the members had expressed any issues with this use, and she was confident that they would work very carefully on site details. She said she was a bit concerned about the massing of the building and which Board, if any, addresses that issue. She talked about traffic and parking.

Jeffrey Cohen, a resident of 17 Houlton Street and a member of the Planning Board, stated that the massing of the building was a concern for the Planning Board, as was traffic circulation and mitigation at the site. He noted that, as a past member of the ZBA, types of things the Zoning Board had addressed in previous Special Permits for restaurant use were hours of delivery, hours of operation, and addressing any concerns of neighbors such as smells, noise, and lighting. He talked with the ZBA members about the site plan approval process and more about traffic and parking.

There was extensive dialogue about the shared parking between the parcels at 110 and 120 Great Road.

Frank Cargiuolo, of 24 Hillside Avenue, said he was not opposed in principle to the restaurant use at 120 Great Road, as long as there can be some negotiation about noise abatement and visual barriers. He said he had been in touch with Ms. Brown several times and he felt confident that they could reach some sort of intelligent compromise.

Mr. Cohen said it may be helpful for the Board to have more information of Café Luigi's operations; if it is the potential tenant, the Board would at least have a general idea. Mr. Colasante agreed, noting that hours of operation in particular were an important aspect of the Special Permit.

Mr. Colasante said that the Board still needed more details for items such as hours, deliveries, trash pickup, and plans for the red house. He said that the next meeting agenda was full and therefore suggested continuing this application to the February 26 meeting.

MOTION:

Ms. Amick moved to continue Pamela Brown, Esq., for 120 Great Road, seeking a Special Use Permit per Table I: Use Regulations and per Section 4.5.7 of the Zoning Bylaw to construct new restaurant to February 26, 2015 at 7:30 PM.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Puntillo, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Ms. Brown thanked the Board for its time. Mr. Colasante wished her luck.

BUSINESS MEETING:

Coast Guard RFP

The Board talked with Jeffrey Cohen and Amy Lloyd, of the Planning Board, about the Coast Guard Request for Proposal (RFP). Mr. Cohen noted that Jessica Porter, the Assistant Town Manger, would also be discussing the RFP in more detail at the next meeting.

Adjournment

MOTION:

Ms. Amick moved to adjourn the meeting.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Crowley, Amick, Dearing, Puntillo, Hamilton, Smith, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 9:50 PM.

Angelo Colasante, Chair

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant